



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,794	07/18/2005	Mohamed Abdel Aziz Rashed	14223.11	8707
21999	7590	05/03/2007		
KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111			EXAMINER CHRISS, JENNIFER A	
			ART UNIT 1771	PAPER NUMBER
			MAIL DATE 05/03/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/517,794

Applicant(s)

RASHED, MOHAMED ABDEL AZIZ

Examiner

Jennifer A. Chriss

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 7/18/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13, 18-25, 28-31, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13, 18-25, 28-31, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/13/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

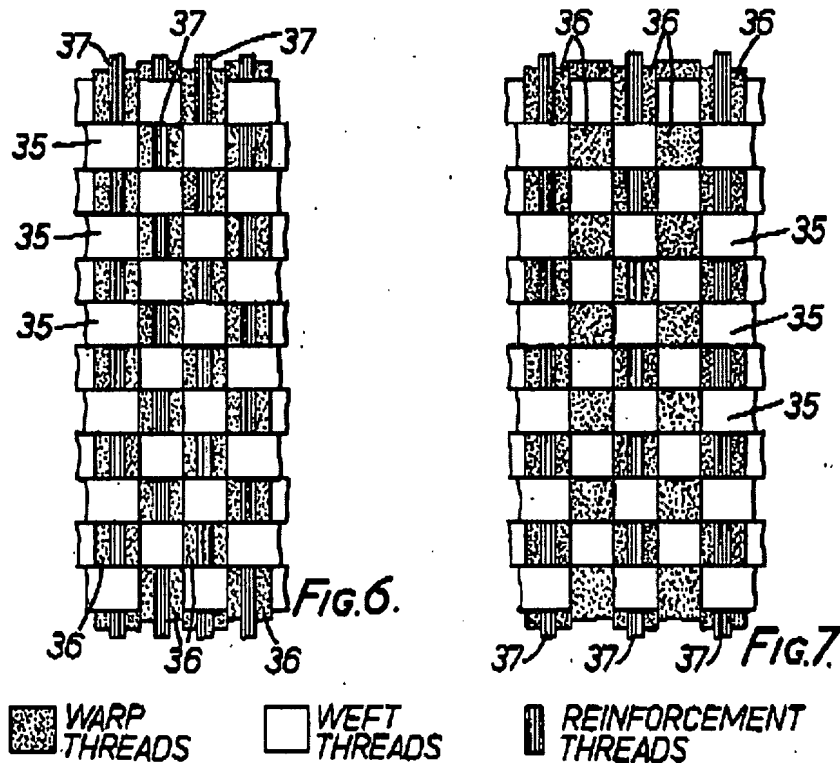
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 8, 13, 18- 23 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Futerman (US 4,362,199).

As to claims 1 and 8, Futerman is directed to a flexible container (Title).

Futerman teaches a base fabric woven from polyolefin tape yarn (column 2, lines 20 – 35). As shown in the figure below adapted from Figures 6 and 7 of Futerman, the tapes indicated by 35 are equated to the “first set of tapes generally parallel to each other” and the tapes indicated by 36 are equated to the “second set of tapes generally parallel to each other”. Futerman teaches that the material may be woven in basket weave form or twill form (column 6, lines 50 – 60); it should be noted that this meets the limitation of crossed-over at least two and cross-under of at least one.

As to claim 13, Futerman teaches a base fabric woven from polyolefin tape yarn (column 2, lines 20 – 35).



As to claim 18, Futerman teaches in the figure above reinforcement threads which are equated to Applicant's "reinforcing threads or tapes". It should be noted that they are grouped with some of the tapes of the scrim.

As to claims 19 – 20, Futerman teaches in the figure above reinforcement threads which are equated to Applicant's "reinforcing threads or tapes". It should be noted that other polyolefin tape yarn could be in the place of the reinforcement yarns so it can be asserted that the reinforcing threads replace some of the tapes.

As to claim 21, Futerman teaches that the reinforced areas can be immediately adjacent to the selvage if desired (column 3, lines 49 – 55).

As to claim 22, Futerman teaches that the reinforcing yarns can comprise polyolefin (column 7, lines 25 – 35).

As to claim 23, Futerman teaches that the reinforcing yarns can comprise polyester (column 2, lines 20 – 30).

As to claim 33, Futerman teaches that the fabric can be used in a flexible container for transportation of particulate material in bulk such as powders, pellets, granules and flakes (column 1, lines 5 – 10). The Examiner equates this purpose to an “industrial fabric” or “construction fabric”.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 – 7 and 9 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futerman (US 4,362,199).

As to claims 2 – 7, Futerman teaches that the fabric can be woven in any suitable weave including twill, basket, ribbed or plain (column 2, lines 1 – 10). Futerman fails to teach specific basket and twill patterns comprising a crossing-over of two and crossing-under of two as required by claim 2, a crossing-over of three and crossing-under of three as required by claim 3, a crossing-over of four and crossing-under of four as required by claim 4, a crossing-over of three and crossing-under of one as required by claim 5, a crossing-over of one and crossing-under of two and crossing-over of two and crossing-under of one as required by claim 6 and crossing-over of one and crossing-

Art Unit: 1771

under of three and crossing-under of one as required by claim 7. It would have been obvious to one of ordinary skill in the art to use the specific configurations as claimed by Applicant motivated by the desire to customize the fabric based on the specifications of the final product.

As to claims 9 – 10, Futerman fails to teach that the tape width is in the range of 1 – 10 mm and the thickness is in the range of 0.02 – 0.1 mm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the width and the thickness since it has been held that, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). The burden is upon the Applicant to demonstrate that the claimed width and thickness is critical and has unexpected results. In the present invention, one would have been motivated to optimize the width and thickness motivated by the desire to create a fabric with optimal strength and flexibility based on the desired end use.

5. Claims 1 – 10, 24 – 25, 29 – 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pattenden (US 4,239,831) in view of "Textile in Perspective" by Betty Smith.

Pattenden is directed to covering lumber with a woven wrapping material (Abstract).

As to claims 1 and 8, Pattenden teaches a woven oriented polyolefin tape

structure (Abstract).

As to claims 24 – 25, Pattenden teaches that the woven structure is coated with a polyethylene layer of at least 15 um in thickness (column 1, lines 25 – 45). The Examiner submits that the polyethylene layer of at least 15 um in thickness is a waterproof thermoplastic film as required by Applicant.

As to claim 29, Pattenden teaches that the polyethylene coating layer may contain metallic filler such as aluminum, brass and bronze (column 1, lines 30 – 40). The Examiner equates this to Applicant's "metallized film".

As to claims 30 – 31, Pattenden teaches it is known to cover lumber with wrapping materials such as a woven scrim of polyolefin tapes laminated to kraft paper (column 1, lines 5 – 20). It should be noted that the kraft paper is known to be a water-absorbent material.

As to claim 34, Pattenden teaches that the woven wrapping material is used to cover lumber (Abstract); it is submitted that this can encompass Applicant's "industrial fabric" or "construction fabric".

Pattenden fails to teach the use of a twill configuration for the woven fabric.

Smith discloses various performance characteristics of twill woven fabrics and compares and contrasts those characteristics to a plain woven fabric (see pages 217 – 220). Specifically, twill woven fabrics have higher durability (tear strength, tensile strength and abrasion resistance) as shown in Table 12.2 on page 218. Additionally, twills are useful in outdoor applications such as outerwear due to the wind, soil and

Art Unit: 1771

moisture resistance of the fabric due to the reduced space between the yarns compared to plain woven fabrics (see page 219).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a twill configuration as suggested by Smith in the lumber covering fabric of Pattenden motivated by the desire to create a lumber covering having superior strength and low permeability to wind, soil and moisture.

As to claims 2 – 7, Pattenden in view of Smith fail to teach specific basket and twill patterns comprising a crossing-over of two and crossing-under of two as required by claim 2, a crossing-over of three and crossing-under of three as required by claim 3, a crossing-over of four and crossing-under of four as required by claim 4, a crossing-over of three and crossing-under of one as required by claim 5, a crossing-over of one and crossing-under of two and crossing-over of two and crossing-under of one as required by claim 6 and crossing-over of one and crossing-under of three and crossing-under of one as required by claim 7. It would have been obvious to one of ordinary skill in the art to use the specific configurations as claimed by Applicant motivated by the desire to customize the fabric based on the specifications of the final product.

As to claims 9 – 10, Pattenden in view of Smith fail to teach that the tape width is in the range of 1 – 10 mm and the thickness is in the range of 0.02 – 0.1 mm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the width and the thickness since it has been held that, where the general



Art Unit: 1771

conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). The burden is upon the Applicant to demonstrate that the claimed width and thickness is critical and has unexpected results. In the present invention, one would have been motivated to optimize the width and thickness motivated by the desire to create a fabric with optimal strength and flexibility based on the desired end use.

6. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pattenden (US 4,239,831) in view of "Textile in Perspective" by Betty Smith, as applied above, and further in view of Prader (US 4,421,805).

Pattenden in view of Smith disclose the claimed invention above but fail to teach that the woven scrim material is provided with a layer of slip-resistant material on one or both sides.

Prader discloses a shipping sack comprising an envelope of plastic film having at least one surface at least partially coated with a thin layer of slip-resistant polyamide (Abstract). Prader notes that the object of the invention is provide a configuration which is resistant to ordinary slippage during handling, stacking or transportation (column 1, lines 20 – 30).


It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a slip-resistant coating as suggested by Prader as the


coating on the woven fabric of Pattenden in view of Smith motivated by the desire to create a non-slip lumber covering which is resistant to ordinary slippage during use.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Chriss whose telephone number is 571-272-7783. The examiner can normally be reached on Monday - Friday 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571 - 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jennifer Chriss  
April 30, 2007

  
**Ms. Arti R. Singh**  
Primary Examiner  
Tech Center 1700